

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room**

Thursday, July 30, 2015

Attending:

Council Member Jim Sandager
Council Member Russ Trimble
City Manager Tom Hadden
City Attorney Dick Scieszinski
Finance Director Tim Stiles
Chief Building Official Rod Van Genderen
Fire Marshal Mike Whitsell
Communication Specialist Lucinda Stephenson

City Engineer Duane Wittstock
Principal Engineer Brian Hemesath
Sign & Zoning Administrator Kevin Wilde
Planner Brad Munford
Planner Brian Portz
Planner Linda Schemmel
Planner Kara Tragesser

Guests: Item #2

Dean Roghair – Civil Design Advantage
Rick Tollakson – Hubbell Realty

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 a.m.

1. Senior Care Development - NW Corner S. 81st Street & Cascade Avenue

At the request of the developer, this item will be rescheduled.

2. S. 95th Street Right-of-Way

City Engineer Wittstock introduced today's guests that were attending the meeting to discuss the extension of S. 95th Street from Mills Civic Parkway to Stagecoach Drive through the Neff property and Majestic Oaks. Much coordination has been accomplished over the past few months to obtain property owner consensus. The property is a challenge topographically and is heavily wooded. A major concern of one property owner was the conservation of as many trees as possible with this development. To help with tree conservation, the City has been asked to reduce the right-of-way width for S. 95th Street (the major collector roadway that runs through this area) from 100 ft. to 70 ft. Mr. Roghair was asked to determine the tree impact with and without the right-of-way reduction. His drawings were presented at the meeting.

Council Member Sandager expressed that he was in agreement with allowing the right-of-way width reduction, but did not want to set precedent and was not in favor of changing the requirement going forward.

Council Member Trimble noted that he has had discussions with the property owners and developers, and felt it was important to get the road completed for development.

Mr. Tollakson stated that they were under contract and close to a development agreement contingent upon the right-of-way requirement reduction to save as many trees as possible.

Council Member Sandager asked if these were estate lots or single family and was informed that the lots would all be single family. He expressed agreement with the right-of-way reduction, but reiterated that it was important to articulate why this was an exceptional circumstance. City Engineer Wittstock stated that staff also had these concerns and would have it reflected in the minutes, as well as have this written in the staff report that this was an exceptional circumstance.

Council Member Trimble asked if there would be easements along the side of the road. Mr. Wittstock stated that the franchised utilities probably will be in the front of the lots vs. the rear lot lines due to the topography so it probably makes sense to provide additional easements. Dean Roghair indicated easements behind the street ROW would be provided.

After much discussion it was determined that in this individual case, it is in the best interest of the City to allow the reduction of the right-of-way dedication requirement for this restricted roadway segment from 100 ft. to 70 ft. with additional easements to be provided behind the right-of-way line for use by the City and for utilities. The factors that were considered included the rugged topography through the area, the cooperation and coordination efforts of the various impacted property owners have made to date, and the possible acceleration of the S. 95th Street connection between Stagecoach Drive and Mills Civic Parkway.

Direction: Council members indicated support for changing the right-of-way requirements from 100 ft. to 70 ft. to accommodate constructing S. 95th through this area due to topographical conditions proving challenging and the properties being heavily wooded, and allowing utility easements outside of the right-of-way because of the tree cover in the rear of the proposed single family lots.

3. Window Graphics

Sign & Zoning Administrator Kevin Wilde discussed the proliferation of window and wall graphics stating that vinyl graphics have become more inexpensive to purchase. Several examples of the proliferation of window and wall graphics were displayed.

Council Member Sandager stated that he thought the difference between the depictions was that some graphics were more generic while others appeared to be advertising. Mr. Wilde expressed that the challenge was making the distinction between artwork and signage, and that it was not within the City's purview to regulate the content of signage.

Council Member Trimble commented that the City takes pride in their architectural standards, and it is beginning to seem that the appearance of these graphics do not always reflect these standards.

Mr. Wilde continued that it was decided a couple of years ago that windows could be completely covered, but only 25% of the glazed area could include any graphics and the remainder needed to be a solid color. Council Member Sandager commented that he thought this was a good idea as it broke up the space.

Council Member Trimble agreed that a policy be written that no words, logo, or numbers be allowed to be used for window/wall graphics. Mr. Wilde expressed that his concern was with regulating content. He suggested that possibly the policy be written to regulate that 25% up to a maximum square footage. If the proposal was over that square footage it would have to be taken through a review process.

Council Member Sandager asked if a policy could be enforceable if it stated that no logo or wording be used. City Scieszinski clarified that the Council was interested in art rather than the representation of a business.

City Manager Hadden asked if there were other models available from other cities. Mr. Wilde responded that most of the models seem to allow everything, but limited the square footage allowed.

Council Member Trimble commented that West Des Moines has maintained high architectural standards that have kept the City neat and clean, and he would not support lowering these standards.

Direction – Council members were supportive of staff drafting a policy which would not allow numbers, wording, or logo on the window or wall graphics and to bring the policy to the Committee for review.

4. Temporary Outdoor Displays

Mr. Wilde requested direction regarding temporary outdoor displays, in particular the garden centers and the three major home improvement stores in West Des Moines. He continued that this issue was prompted by the Lowe's at Jordan Creek that by its approved site plan was allowed to have displays, as well as sell grills and hard goods outside. However, the site plan also included a note that a temporary use permit was needed, and that there was a time limit in the ordinance for spring and fall garden centers with a break in the summer. The Lowe's on 50th Street and the Home Depot are not allowed to display any hard goods, such as tractors, mowers, trailers, grills, etc. under the garden center ordinance.

Mr. Wilde noted that the temporary use permit for these uses has time limits for the duration that the outdoor displays are allowed: the spring sales are March 15 thru July 15 and the fall sales are September 1 thru October 31. There is a break in the duration of the seasons to allow for the clearing of the site of these displays.

Mr. Wilde noted that the Lowe's and Home Depot are not adhering to these regulations; last year a temporary use permit was requested by Lowe's on July 15 to allow the garden business to continue through September 1. This was approved with the condition that in the future, per the code, there needed to be a break in the summer.

Mr. Wilde stated that the break between July 15 and September 1 poses the biggest problem with compliance. He inquired if the Council was open to extending these dates. Council Member Sandager stated that he was alright with eliminating that six week window. Council Member Trimble expressed that he would be amenable to extending the time through the summer months.

After discussion, it was agreed to extend the dates from March 1 to September 30 with a limit on the area for product location based on a percentage. Council Member Sandager stated that he thought this would be reasonable. Mr. Wilde stated that he would meet with the store managers to inform them of what was being contemplated by the City and to obtain their feedback.

Direction: Council members were supportive of staff changing the Temporary Outdoor Display regulations to allow merchandise and products in a defined specified area and that the maximum allowed duration be changed to March 1 to September 30 of each year.

5. Upcoming Projects – A map was provided of each project with the case planner providing a brief description of each.

- a. Grand Valley Final Plat (FP-002792-2015) – Subdivide the property located at the NE corner of S 35th Street and Grand Avenue into 20 lots for single family development. FEMA has expressed concerns with flooding in the area and more studies are being conducted to address this issue.
- b. Paradise Point Lot 7 Retail (OSP-002793-2015) – Construction of a 5,250 sf multi-tenant retail building with associated parking located at 455 S. 64th Street.
- c. Cascades at Jordan Creek Plat 1 (SP-002430-2014) – Applicant has requested approval to move forward with a multi-family three-story building with underground parking development with public improvements to be phased in.

6. Minor Modifications

- a. Valley Station Apartments – 313 Lincoln Street Recycle Bin Enclosure – MMLI-002788-2015 (Level 1)
- b. Compass Financial – 4801 Westown Parkway Exterior Modifications - MMLI-002791-2015 (Level 1)

7. Other Matters – None.

The meeting adjourned at 8:20 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is August 13, 2015.

Kara Tragesser, Development Services Planner

Kimberly Taylor, Recording Secretary